bases comprising measuring the phosphate rearrangement rate in the course of preparing the polynucleotide or salt thereof.

21. (new) The method for preparing the chain-shortened polynucleotide or salt thereof according to claim 6, wherein the polynucleotide or salt thereof has an average chain length of between about 0.1 k bases and about 1 k bases.

22. (new) The method for preparing the chain-shortened polynucleotide or salt thereof according to claim 7, wherein the polynucleotide or salt thereof has an average chain length of between about 0.1 k bases and about 1 k bases.

REMARKS

The Examiner has required restriction under 35 USC § 121 and 35 USC § 372. An election between the following as been required:

    I.   Claims 1 to 5, 8 and 16 to 19 drawn to a shortened chain 2'-5' polynucleotide;

    II.   Claims 6 and 14 drawn to a method of preparing the invention of group I; and

    III.   Claims 7 and 15 also drawn to a method of preparing the invention of group I.

Applicants respectfully traverse this election requirement.

This application is a national stage filing under 35 USC § 371 of a PCT international application. All the claims of the international application were searched and a search report and preliminary examination report was issued by the JPO as the international search authority. Unity of invention was found by the JPO during the international stage.

MPEP 1850 instructs the US Patent Examiner that PCT Rule 13.2 must be followed during the national stage examination Specifically, PCT Rule 13 is construed as permitting inclusion of claims to a product as well as to a process for making the products. A process shall be considered to be specially adapted to make a product if the claimed product inherently results in the claimed process. Such is clearly the case herein.

With all due respect, applicants urge that the Examiner's requirement for election in the present application is contrary to the PCT rules and to the instructions given to the US Patent Examiner with respect of an international application.

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